

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

ex rel. Danah Hayes,

Plaintiff,

v.

DAYBREAK VENTURE, LLC, *et al.*,

Defendants.

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Civil Action No.: 4:17-cv-00482

**UNITED STATES' NOTICE OF CONSENT
TO RELATOR'S VOLUNTARY DISMISSAL**

On or about July 7, 2017, Relator Danah Hayes filed a complaint in this action on behalf of the United States and against Defendants Lake Lodge Nursing and Rehabilitation, LP and Daybreak Venture, LLC. Dkt. # 2. This case was filed as a *qui tam* complaint under the False Claims Act, 31 U.S.C. § 3730, *et seq.* On March 12, 2019, the United States filed its Notice of Election to Decline Intervention in the action, Dkt. # 11, and on March 13, 2019, the Court unsealed the complaint, Dkt. # 12.

On June 10, 2019, Relator filed a Notice of Dismissal in this action against Defendants (Dkt. # 13). Given Relator's desire to dismiss this lawsuit, the Government expresses concern that (1) its interests may not be adequately pursued in this action and (2) forcing Relator to litigate in such circumstances may result in unnecessary litigation. Accordingly, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America, through the United States Department of Justice and the undersigned Assistant United States Attorneys, hereby respectfully

notifies the Court that the Attorney General consents to the voluntary dismissal of this action, if and only if such dismissal is **without prejudice** to the rights of the United States.

Respectfully submitted,

JOSEPH D. BROWN
United States Attorney

/s/ James Gillingham
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**ATTORNEYS FOR THE
UNITED STATES OF AMERICA**

CERTIFICATE OF SERVICE

I hereby certify, on this 12th day of July, 2019, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronically filing the same through the Court's electronic filing system.

/s/ James Gillingham

JAMES GILLINGHAM